

### **REMARKS/ARGUMENTS**

This communication is in response to the Non-Final Office Action dated October 7, 2008. Claims 1-14 were previously canceled, without prejudice. Claims 15 and 17-25 have been amended, without prejudice. No new matter has been added. Claims 15-26 remain pending in this application with claims 1 and 26 being the only independent claims. Reconsideration is respectfully requested.

#### **Claim Objections**

Claims 16-25 are objected to on the grounds that they depend from a canceled claim (e.g., claim 1). Applicants have amended claims 15 and 17-25 to correct their dependencies. Withdrawal of the objection in view of the amendments to the claims is therefore requested.

#### **Information Disclosure Statement**

The Examiner has crossed out the "Copy International Report" in the counterpart PCT International Application on the grounds that no date and year were provided on the PTO Form SB/08. However, applicant submits that this document is part of the International record and in addition, all references cited in the ISR were submitted and an Abstract in English was also submitted. Thus, the ISR is not a reference in itself and not necessary, as long as the Examiner has considered all cited references.

#### **Prior Art Claim Rejections**

Claims 15, 18, 20-23 and 26 are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent Publication No. 2008/0170505 (Rohlfing et al.).

Claims 16, 17, 19 24 and 25 are rejected under 35 U.S.C. §103(a) as obvious over Rohlfing et al. in view of Stubbs (U.S. Patent No. 6,930,994).

Applicants respectfully traverse the prior art rejections. Patent Publication No. 2008/0170505 (Rohlfing et al.) is not a valid prior art reference and thus the Examiner has failed to establish a *prima facie* case of obviousness with respect to any of claims 15-26. On the one

hand, Rohlfing et al. has an effective filing date of January 15, 2007 (based on its claim to priority to U.S. Provisional application No. 60/884, 967, filed on January 15, 2007). On the other hand, the present claimed invention has a §371 filing date of August 14, 2006. Accordingly, Applicants submit that Rohlfing et al. does not predate the effective filing date of the present application and therefore is not a valid prior art reference to render the present claimed invention obvious.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
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